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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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EXAMINER

WINDER, P

ART UNIT

PAPER NUMBER

2155

12

DATE MAILED:

10/02/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

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# Office Action Summary

Application No.  
09/225,262

Applicant(s)  
Chu et al.

Examiner  
Patrice L. Winder

Art Unit  
2155



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jul 26, 2001
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17-19, 23, 28, and 29 is/are allowed.
- 6) ☒ Claim(s) 1-16, 20-22, 24-27, and 30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirements.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 11
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

Art Unit: 2155

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. Claim 30 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term “significantly simple” lacks meaning including applicant’s reference from the specification.

### ***Claim Rejections - 35 USC § 103***

2. The text of those sections of Title 35, U.S. Code 103 not included in this action can be found in a prior Office action.

3. Claims 1-16, 20-22, 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over McHann in view of Bracho et al., U.S. Patent No. 5,873,084 (hereafter referred to as Bracho).

4. Regarding claim 1, McHann taught a method for conveying data communications network management information to an umbrella management system (conveying to dynamic system controller, abstract), the method comprising:

generating network management information (receiving network messages in proprietary formats, col. 12, lines 15-18);

converting said network management information events into umbrella management system information useable by said umbrella management system (col. 12, lines 18-19); and

Art Unit: 2155

communicating said umbrella management system information to said umbrella management system (col. 12, lines 25-32).

McHann does not specifically teach publishing and subscribing to network information events. However, Bracho taught publishing said network management information as network management information events on an information bus (col. 5, lines 1-4);

subscribing to said network management information events at a monitor interface in communication with said information bus (col. 4, lines 43-47, 58-59);

receiving said network management information events at said interface (hub interface, col. 4, line 66 -col. 5, line 14). It would have been obvious to one of ordinary skill in the art at the time the invention was made that incorporating Bracho's system for publishing/subscribing network events in McHann's dynamic system controller would have improved system effectiveness. The motivation would have been to integrate event collection from existing commercial software and legacy systems without extensive modifications (col.1, lines 35-39).

5. Regarding dependent claim 2, McHann taught further comprising:

filtering said network management information events to communicate selected information contained in said events (col. 12, lines 33-43).

6. Regarding dependent claim 3, McHann taught further comprising:

translating said umbrella management system information into an umbrella management system input protocol (col. 12, lines 19-24).

Art Unit: 2155

7. Regarding dependent claim 4, McHann taught said input protocol is Simple Network Management Protocol (SNMP) traps (input protocol to is SNMP, col. 12, lines 40-49).
8. Regarding dependent claim 5, McHann taught further comprising:  
communicating the translated umbrella management system information to a database within the umbrella management system (col. 12, lines 62-67).
9. Regarding dependent claim 6, McHann taught further comprising:  
communicating the translated umbrella management system information to a network management system application within the umbrella management system (col. 12, lines 27-32).
10. Regarding dependent claim 7, McHann taught further comprising:  
communicating the translated umbrella management system information to a Management Information Base (MIB) associated with the network management system application (col. 12, lines 62-67, col. 7, lines 57-63).
11. Regarding dependent claim 8, McHann does not specifically teach subscribing includes: subscribing to events related to the starting of an instance of a service component within the data communications network. However, “official notice” is taken that events related to the starting of an instance of a service component within the data communications network are “conventional events”.
12. Regarding dependent claim 9, McHann does not specifically teach subscribing includes: subscribing to events related to the stopping of an instance of a service component within the data communications network. However, “official notice” is taken that events related to the stopping

Art Unit: 2155

of an instance of a service component within the data communications network are “conventional events”.

13. Regarding dependent claim 10, McHann does not specifically teach subscribing includes: subscribing to events related to the configuration of a service within the data communications network. However, “official notice” is taken that events related to the configuration of a service within the data communications network are “conventional events”.

14. Regarding dependent claim 11, Bracho taught subscribing includes: subscribing to events related to the configuration of the monitor interface (hub administration, col. 9, lines 60-64).

15. Regarding dependent claim 12, McHann does not specifically teach subscribing includes: subscribing to events related to an error occurring at a service within the data communications network. However, “official notice” is taken that events related to an error occurring at a service within the data communications network are “conventional events”.

16. Regarding dependent claim 13, McHann does not specifically teach subscribing includes: subscribing to events responsive to two or more conflicting signals being received by a service within the data communications network. However, “official notice” is taken that events responsive to two or more conflicting signals being received by a service within the data communications network. said conflicting signals created by two or more network control consoles with a specified period of time are “conventional events”.

17. Regarding claims 8-10, 12-13, it would have been obvious to one of ordinary skill in the art at the time the invention was made that incorporating “conventional events” in McHann’s

Art Unit: 2155

McHann's dynamic system controller would have improved the effectiveness of McHann's system. The motivation would have been because responsiveness to "conventional events" is an important criteria of network management.

18. Regarding dependent claim 14, Bracho taught further comprising: publishing events at the monitor interface on to the information bus (network = information bus, col. 3, line 67 - col. 4, line 4, col. 10, lines 5-8).

19. Regarding dependent claim 15, Bracho taught publishing events at the monitor interface includes: publishing events at the monitor interface in response to events received (first-in-first-out order, col. 10, lines 5-8).

20. Regarding dependent claim 16, Bracho taught publishing events at the monitor interface includes: publishing events at the monitor interface containing information conveyed from the umbrella management system (col. 9, lines 60-64).

21. The language of claims 20-22 is substantially the same as previously rejected claims 1-2, above. Therefore, claims 20-22 are rejected on the same rationale as claims 1-2.

22. The language of claims 24-27 is substantially the same as previously rejected claims 1-2, above. Therefore, claims 24-27 are rejected on the same rationale as claims 1-2.

### ***Response to Arguments***

23. Applicant's arguments filed July 23, 2001 have been fully considered but they are not persuasive.

Art Unit: 2155

24. Applicant argues - “[T]here is no motivation to incorporating a publishing/subscribing scheme of Bracho to McHann’s system.”

a. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Bracho specifically states that his publishing/subscribing scheme is an improved system for any “enterprise system” which integrates heterogeneous systems (col. 1, lines 54, col. 2, lines 30-36).

***Allowable Subject Matter***

25. Claims 17-19, 23 and 28-29 are allowed.

26. The following is an examiner's statement of reasons for allowance:

Claims 17-19 and 28-29 are allowable over the prior art of record for reasons given in applicant’s remarks filed on July 26, 2001, paper #11 and interpreted in light of applicant’s specification.

Claim 23 is allowable over the prior art of record because the prior art of record fails to teach or suggest a data communication network including an access data adapter, a control



Art Unit: 2155

adapter and a service adapter functionally defined in claim 23 which all publish events to an information bus as interpreted in light of applicant's specification.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

27. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

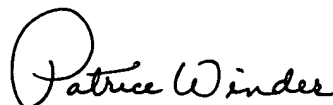
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 2155

28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrice Winder whose telephone number is (703) 305-3938. The examiner can normally be reached on Monday-Friday from 10:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh, can be reached on (703) 305-9648. The fax phone number for this Group is (703) 308-9052.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

  
**Patrice Winder**  
**Primary Examiner**  
**Art Unit 2155**